

Enforceable Undertaking with WorkSafe New Zealand

On 26 May 2026, WorkSafe New Zealand accepted an enforceable undertaking from Smith Diesel Services Limited under Part 4 of the Health and Safety at Work Act 2015. An enforceable undertaking is a legally binding commitment, entered as an alternative to prosecution, to deliver activities that benefit workers, the wider industry, and the community.

Incident

On 7 April 2024, one of our workers was seriously injured at our Rimu mine site on the West Coast. Our worker remains a valued member of our team, and we will continue to provide support throughout recovery and the return to work.

Alleged contravention

WorkSafe alleged that Smith Diesel Services Limited breached its duty under section 36(1)(a) of the Health and Safety at Work Act 2015 to ensure, so far as reasonably practicable, the health and safety of its workers, including by failing to provide adequate training and procedures for cleaning, maintaining, or repairing machinery, an emergency stop in the accessible area of the conveyor, and a plan to monitor and manage workers' hours and fatigue.

We acknowledge the alleged contravention, take responsibility for the omissions that contributed to the incident, and deeply regret the harm caused to our worker.

What we have done

Following the incident, we carried out a full review of our health and safety systems and made significant improvements, including emergency stops on all machinery, lockout/tagout procedures across all equipment, a digital health and safety management system, a fatigue management standard, and a full-time Health and Safety Manager.

Summary highlights of the enforceable undertaking

- Financial amends and ongoing support to the injured worker.
- Funding MinEx to develop a Small Mines Health and Safety Management System Toolkit — a free resource to help small mining operations meet their health and safety obligations — and a nationwide rollout through industry workshops.
- Funding fatigue management workshops across New Zealand, delivered by Professor Drew Dawson, an internationally recognised expert in sleep and fatigue research. All Smith Diesel workers will attend a workshop on full pay.
- Presenting at an industry conference on the undertaking and the lessons learned.
- Donations to the Westpac Rescue Helicopter Trust and the New Zealand Mines Rescue Service in recognition of the vital services they provide.

Further information

The full enforceable undertaking is published on WorkSafe New Zealand's website. For more information, please contact Tessa Smith, General Manager, Smith Diesel Services Limited, at Tessa@smithdiesel.co.nz